

REMARKS

Thorough examination of the application is sincerely appreciated.

According to the Office Action, claims 2-4 were rejected under 35 USC 112, second paragraph. More specifically, claim 2 was rejected for lack of antecedent basis for two claim elements, while claims 3 and 4 were rejected merely by being dependent from claim 2, thereby inheriting the rejection of claim 2.

In response, Applicant sincerely thanks the examiner for his helpful observations in the Office Action. To conclude the prosecution of the application and without conceding any statements or waiving any arguments in the Office Action, Applicants' claims are amended, as presented herein. It is believed that claims 2-4 now fully comply with 35 USC 112, and withdrawal of the rejections is, therefore, respectfully requested.

Further according to the Office Action, Applicants' claims 1-5 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-4 of U.S. Patent No. 6,917,338, which is commonly owned with the present application. Since no rejections were asserted against Applicants' claims under 35 USC 102 or 35 USC 103, the examiner effectively conceded that claims 1-5 in the instant application are patentable over the prior art of record. In addition, since no other rejections or objections were stated in the Office Action, the examiner effectively conceded that Applicant's claims 1-5 would be allowed but for the above-mentioned double-patenting rejection.

In response to the Office Action in order to conclude the prosecution of the application and without conceding any statements or waiving any arguments in the Office Action, a terminal disclaimer is submitted in compliance with 37 CFR 1.321(c), thereby obviating the above-mentioned double-patenting rejection.

An earnest effort has been made to be fully responsive to the Examiner's correspondence and advance the prosecution of this case. In view of the above amendments and remarks, it is believed that the present application is in condition for allowance, and an early notice thereof is earnestly solicited. However, if for any reason this application is not considered to be in condition for allowance, the Examiner is respectfully requested to call the undersigned attorney at the number listed below prior to issuing a further Action.

Please charge any additional fees, including the fee for the terminal disclaimer, associated with this application to Deposit Account No. 14-1270.

Respectfully submitted,

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